IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 22396 of 2005

Between:

Madi Ram Reddy

..... PETITIONER

AND

The District Collector,

Ranga Reddy District ,

at Lakdikapool , Hyderabad and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in alienating agricultural land in Sy.No.176/47/1 to an extent of Ac.2.30 ½ guntas, situated at Aziznagar village, Moinabad Mandal, Ranga Reddy District in favour of B.S.F. without authority of law, as illegal and arbitrary, the present writ petition is filed.

The petitioner is alleged to be the absolute owner of the property mentioned in the writ petition, by virtue of a Will dated 25.06.1986 said to have been executed by one late Madi Chinna Balakista Reddy, and his name was also mutated in the revenue records as absolute owner and possessor of the property as per proceedings of the 2nd respondent, dated 25.01.1991. In the meanwhile, without following the procedure as contemplated under Land Acquisition Act, the 2nd respondent issued the impugned A-1 Notification on 01.09.2005, proposing to alienate certain lands including the land of the petitioner, for which the petitioner submitted his explanation on 08.10.2005. The petitioner contends that without considering his explanation, the respondents are trying to alienate the land in question in favour of B.S.F. by dispossessing him from the land in question. Hence the petitioner is constrained to file this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

On a perusal of the material available on record, it appears that the petitioner is the owner and possessor of the property in question. The respondents, without following due process of law, have no right to alienate the land of the petitioner in favour of anybody. The petitioner has already submitted his explanation to the impugned notice, and the respondents have to take appropriate decision thereon.

Having regard to the facts and circumstances of the case, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition, with a direction to the respondents not to dispossess the petitioner from the land in question without passing final orders on his explanation dated 08.10.2005 submitted

in pursuance of the impugned notification dated 01.09.2005.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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ELIPE DHARMA RAO,J

Dated: 14.10.2005

Dsr

Note:

Issue CC by tomorrow

B/o

Dsr